

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWELFTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI JUSTICE N.V. RAMANA

WRIT PETITION NO.26970 of 1997

Between:

Sri P. Sidda Reddy S/o. Sri P. Aswartha Reddy
Endowments Department, R/o. Sreenagaram, Hamlet of Bhukkapuram, Mahanandi
Mandal, Kurnool District.

..... PETITIONER

AND

- 1 The Govt., of A.P., rep. by its Principal Secretary,
Home Department, Secretariat Buildings, Hyderabad.
- 2 The Collector and Dist. Magistrate,
Kurnool.
- 3 The Station House Officer, Mahanandi Police Station,
Mahanandi, Kurnool Dist.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a Writ, order or direction more Particularly one in the nature of Writ of Mandamus declaring the action of the 1st Respondent in Issuing G.O.Rt.No: 1979 Home (General-C) Department, dt. 24.7.1995 as illegal, arbitrary and violative of Article 19 (1) (g) and 21 of the Constitution of India in so far as the petitioner is concerned.

Counsel for the Petitioner: MR.P.RAMESH RAJ

Counsel for the Respondents: GP FOR HOME

The Court made the following:

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THE HON'BLE SRI JUSTICE N.V. RAMANA

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W.P. No. 26970 of 1997

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Oral order:

Heard the learned counsel for the petitioner and the learned Government Pleader for Home for the respondents.

The petitioner, a retired police officer residing in Kurnool, states that he obtained arms licence in 1988 from the respondents for possession of D.B.B. 20 Bore Gun bearing No. 1159 made in U.S.A. vide Licence No. 24. It was renewed from time to time, and was due for renewal after 30-9-1993. While so, the petitioner states that the then Government, issued orders suspending the arms licences in Rayalaseema region for a period of six months, which was extended from time to time, and ultimately, the Government vide G.O. Rt. No. 1979, Home (General-C) Department, dated 24-7-1995 extended the temporary suspension of arms licences for a period of one year from 1-8-1995 to 31-7-1996. In view of the suspension of licences, the petitioner states that he has deposited his gun with the respondents, and it is his case that though he made several representations for renewal, in view of the ban, his arms licence is not being renewed. Hence, this writ petition.

The Assistant Secretary to Government filed counter-affidavit on behalf of the respondents stating that as Rayalaseema area is politically and factionally sensitive,

the Government suspended the arms licences in the area, and imposed ban on renewal and grant of new licences, and the ban remained in force until 25-4-2000 when the Government in G.O. Rt. No. 682, Home (General-C) Department, issued orders lifting the ban and directing the District Collectors of Rayalaseema Region, Prakasam and Guntur District, to return the fire arms to the licences after renewing the licences provided (1) that the licences are not involved in any offence, (2) they are not factionists, and (3) the weapons were not used in any offence.

In view of the orders issued by the Government in G.O. Rt.

No. 682, Home (General.C) Department, dated 25-4-2000, lifting the ban imposed on renewal of arms licences, and directing the District Collectors concerned to return the fire arms to the licencees after renewing the licences, having regard to the guidelines made therein,

I deem it appropriate to dispose of the writ petition with the following directions:

The 2nd respondent-District Collector, Kurnool, is directed to return the gun of the petitioner after renewing it keeping in view the guidelines issued by the Government in G.O. Rt. No. 682, Home (General.C) Department, dated 25-4-2000.

The writ petition is accordingly disposed of. No costs.

N.V. RAMANA, J.

Date: 12th April, 2005.

KSR

..... REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

- 1 The Principal Secretary,
Home Department, Govt., of A.P., Secretariat Buildings, Hyderabad.
- 2 The Collector and Dist. Magistrate,
Kurnool.
- 3 The Station House Officer, Mahanandi Police Station,
Mahanandi, Kurnool Dist.
- 4 Two CCs to GP for Home, High Court Buildings, Hyderabad (OUT)
- 5 Two CD copies
- 6 1 CC to MR.RAMESH RAJ

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